

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE EXECUTIVE AND REGULAR SESSIONS OF THE
FOUNTAIN HILLS TOWN COUNCIL
MAY 19, 2016**

EXECUTIVE SESSION

*** CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Kavanagh called the Executive Session to order at 5:03 p.m. in the Town Hall Fountain Conference Room - 2nd Floor.

AGENDA ITEM #1 - ROLL CALL AND VOTE TO GO INTO EXECUTIVE SESSION: PURSUANT TO : (1) A.R.S. § 38-431.03(A)(3), DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY, AND (2) A.R.S. § 38-431.03(A)(4), DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION (SPECIALLY, PARK PLACE DEVELOPMENT AGREEMENT).

Present for roll call were the following members of the Town Council: Mayor Linda Kavanagh, Vice Mayor Henry Leger, Councilmember Nick DePorter, Councilmember Dennis Brown, Councilmember Cecil Yates (attended by phone until he arrived), Councilmember Cassie Hansen and Councilmember Alan Magazine.

Town Manager Grady E. Miller, Town Attorney Andrew McGuire, Acting Development Services Director and Zoning Administrator Robert Rodgers and Town Clerk Bevelyn Bender were also present.

Councilmember Nick DePorter **MOVED** to go into Executive Session at 5:03 p.m. and Councilmember Alan Magazine **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

Councilmember Cecil Yates arrived to the meeting at 5:20 p.m.

AGENDA ITEM #2 - ADJOURNMENT.

The Mayor adjourned the Executive Session without objection at 6:21 p.m.

REGULAR SESSION

*** CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Kavanagh called the meeting to order at 6:32 p.m. Town Hall Council Chambers.

* Mayor Kavanagh announced that the invocator was Pastor Bergeson from the Shepherd of the Hills Lutheran Church.

* **ROLL CALL** - Present for roll call were the following members of the Town Council: Mayor Linda Kavanagh, Vice Mayor Henry Leger, Councilmember Nick DePorter, Councilmember Dennis Brown, Councilmember Cecil Yates, Councilmember Cassie Hansen, Councilmember Alan Magazine. Town Manager Grady E. Miller, Town Attorney Andrew McGuire and Town Clerk Bevelyn Bender were also present.

*** MAYOR'S REPORT**

None.

* **SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS**

i) **MAYOR KAVANAGH MAY REVIEW RECENT EVENTS ATTENDED RELATING TO ECONOMIC DEVELOPMENT**

Mayor Kavanagh stated that in order to sustain our Town's vibrancy young families must be attracted to Fountain Hills; and that there were many avenues to pursue. Mayor Kavanagh reported that the Town of Fountain Hills was honored to be named a "2016 Playful City USA" for the sixth time. She explained that this national recognition program was celebrating its 10th anniversary and honors cities and towns across the country for making their cities more playable. She explained that playability was the extent to which a city/town made it easy for all kids to get balanced unstructured activity and play. She added that playability encompassed playgrounds, open space, interactive areas and more. Mayor Kavanagh stated that one innovative example that demonstrated how Fountain Hills prioritizes play was by installing the "Harmony Playground" at Fountain Park that features a unique play experience connecting people through creativity, unique sound scape and sculptural design in an outdoor environment. She mentioned another example demonstrating playability in our Town was the tennis court improvements using funds awarded to the Town for reconstruction of all six public courts through the Arizona Sports and Tourism Authority bi-annual grant. Mayor Kavanagh announced that the Town could expect construction to start soon and should be ready to play this fall. She expressed that the Town was proud to be recognized for their efforts in keeping Fountain Hills playable and fun. Mayor Kavanagh also thanked the Community Services Staff for helping to make this honor happen.

Mayor Kavanagh also noted that Town Manager Miller and she had participated in the Chamber of Commerce CEO Roundtable with those present representing a cross section of businesses and organizations in Town to discuss important issues related to the Town and its business community. She stated that this was the first of four roundtables that CEO Scott Soldat-Valenzuela had planned.

ii) **PRESENTATION BY RANGER AMY BURNETT FROM THE ARIZONA GAME AND FISH DEPARTMENT REGARDING WILDLIFE REGULATIONS AND SAFETY ISSUES FOR NEIGHBORHOODS.**

Grady Miller reminded the Council that at their last Council meeting, a resident expressed concern about a tragic situation involving an attack on his wife that involved javelinas close to their home and a wash. Mr. Miller noted that the Mayor reached out and asked Amy Burnett who was the Information and Education Program Manager for Arizona Game and Fish to provide a brief informational presentation that would give people ideas on how to be safe in their neighborhoods. Mr. Miller also noted that her presentation would be available on Channel 11 and on the Town's web site. He also pointed out that a workshop was scheduled on Monday, May 23, 2016 at 5:30 p.m. to be held in the Town's Community Center to address the dangers of feeding wildlife.

Amy Burnett discussed a PowerPoint presentation (available on-line or in the office of the Town Clerk) and pointed out that not only was she the Information and Education Program Manager for Arizona Game and Fish she was also a homeowner in Fountain Hills. Ms. Burnett also introduced two officers from the Fish and Game Department who were in attendance and would be available to answer questions after her presentation. Ms. Burnett acknowledged the attack on a resident recently in Fountain Hills on April 3, 2016 and noted the situation could have been a lot worse. Ms. Burnett explained that one thing that could be avoided would be for the Town residents to not feed the wildlife. Ms. Burnett explained the motivation of wildlife, specifically javelinas, created different feelings about their living in the area and stated that javelinas were in locations that provide natural habitat for animals. She stated that Fountain Hills was located on the edge of the desert and javelinas come into yards especially when they are feed, which caused a dangerous situation. She stated that residents without knowing, as so many do, attracts javelinas by planting desert plant and by over-seeding along with planting ornamental plants particularly bulbs, annual flowers and citrus, which javelinas love to eat. Ms. Burnett gave examples of things residents should not do involving pet food, garbage and bird seed in any form. She pointed out that javelinas have poor eyesight; they have a keen sense of smell; are naturally fearful of humans and hate dogs because they see them as coyotes who are predators and their enemy. She added that javelinas were easily spooked and panicked and may appear to charge when they are only trying to escape.

Ms. Burnett explained that State Statute ARS13-2927 declared it was unlawful to feed the wildlife with the exception of birds and tree squirrels and she added Fountain Hills did not have tree squirrels and noted it was a petty offense that applied to counties with a population greater than 280,000. Ms. Burnett stated that feeding javelinas over-time caused

them to lose their fear of humans and become bold and some even turn aggressive and could possibly attack. She wanted to see a change in the Town by working together and stop feeding the wildlife. Ms. Burnett also pointed out that most conflicts with javelinas were dog-related and listed some procedures to follow.

- Keep dogs on a (non-retractable) leash
- Be aware of your surroundings, avoid encounters
- Use a buddy system by avoiding dawn and dusk walks, if possible

Ms. Burnett also listed other guidelines for if you encounter a javelina while walking your dog.

- Walk in the other direction
- Do not run
- Make yourself “BIG” by being aggressive and loud. Use aggressive postures and clap your hands along with using low and loud voice tones
- Use a walking stick or an object to threaten them
- Use a chemical deterrent

Ms. Burnett explained that the incident on April 30 was not the resident’s fault because her dogs were not barking and were on a 6-foot leash that was non-retractable and she felt because all the right things were done, this incident was easily determined to be due to the feeding of the animals. She explained that the Arizona Game and Fish generally do not remove any animal unless it the attack was human related (not a pet) and was a health or public safety concern. Ms. Burnett stated that to move javelinas from a resident’s yard they need to be hazed and gave examples.

- Make loud noises and stomp your feet
- Bang pots and pans or rattle empty soda can containing a few pennies
- Wave your hands or objects such as a stick or broom along with keeping your neighbors informed so they can do the same
- Spray the javelinas with a hose or a super-soaker loaded with a 10% solution household ammonia on bold animals that refuse to leave your yard – a cloth saturated with ammonia placed by a door also would help to keep them away

Ms. Burnett explained the long term solution was to not feed or tolerate neighbors feeding the wildlife by keeping your yard clean and repairing leaking irrigation hoses, removing fallen citrus, stop feeding the birds and removal of seed before evening when the javelina were around, and by securing all garbage. She asked that all residents to report any violators who are feeding the wildlife to the “Operation Game Thief Hotline” noting that callers could remain anonymous and staff could follow-up on the complaint and hopefully stop further incidents and injuries. Ms. Burnett played a video that presented a person attempting to feed coyotes and demonstrated how javelinas also consumed the food along with showing how aggressive javelinas were between themselves while feeding was taking place. Ms. Burnett encouraged Fountain Hill’s residents to attend the workshop on Monday. Mayor Kavanagh thanked Ms. Burnett for her presentation and expressed her appreciation on how quickly she responded to the Town to help resolve the situation. Mayor Kavanagh also strongly pointed out the feeding problem and treating the javelinas as their pets. She also stressed the need for residents to report violations when known and helping to protect their neighborhoods.

Mayor Kavanagh asked if the neighborhood where the April 30 incident occurred was now safe. Ms. Burnett answered that a total of 13 javelinas were removed and those included javelinas involved in another incident from the area; she broke down the time-line of their removal. Ms. Burnett strongly felt that this was due to residents feeding these animals in the vicinity.

Councilmember Magazine congratulated Ms. Burnett on her excellent presentation and suggested further resources for educating Fountain Hill’s residents such as an article in the “Times” and Ms. Burnett stated she would be glad to write an educational article for the newspaper. Councilmember Magazine wanted to know what happened to the javelinas after the authorities captured the animals. Ms. Burnett explained they were tested for rabies and she noted that the javelinas had tested negative, but were lethally removed and disposed of. Councilmember Magazine asked how the officials decided on the areas to remove javelinas. Ms. Burnett answered that the Town had at least two herds that involved residents feeding javelinas, but Malta Drive was currently the targeted area because of the incident. She

noted that Fish and Game did not just go in and remove and kill wildlife. Ms. Burnett stated it would take time to change the habits of the javelinas and that would be when the residents stop feeding them.

Mr. Miller noted that when the winter visitors returned to Fountain Hills Ms. Burnett had agreed to schedule another workshop sometime between November and December to educate them on this problem. Ms. Burnett also offered to do a live chat with residents to discuss this issue through the Town's web site facebook page. Mayor Kavanagh and Mr. Miller expressed their appreciation for the offer. Mayor Kavanagh expressed again how important it was for residents to notify officials of anyone feeding wildlife within the community and she added that the Town would do everything possible by working with the officials.

iii) UPDATE BY JERRY BUTLER, VISION FOUNTAIN HILLS CO-CHAIR, REGARDING THE VISION FOUNTAIN HILLS WORKSHOP HELD MAY 7, 2016.

Jerry Butler discussed information contained in a PowerPoint presentation (available on line or in the office of the Town Clerk). He stated a number of attendees at the meeting had participated in the "Vision's" survey. Mr. Butler explained that the "Vision" committee started in January 2015 and currently had 12 members who were all volunteers and covered a representation of residents from the community. Mr. Butler mentioned that last year the program was adopted by the Fountain Hills Cultural Civic Association who had continued to promote the committee on behalf of the community. Mr. Butler pointed out the by using volunteers for this task had saved the Town over \$30,000. Mayor Kavanagh expressed her appreciation.

Mr. Butler explained the three-step visionary process the committee used and added the committee's goal was to simplify the plan to be more manageable and achievable and he noted that many of the 2010 directives where well beyond the 5-year objective horizon. He added that Dana Sarr, Advisory Committee Chairman had presented the results of the survey to Council recently and showed where over 1,900 people participated and he felt this number was achieved by using social media to reach out to people to get involved. Mr. Butler explained that a workshop was also held for those wishing to participate to discuss five strategic priorities from the survey.

1. Invest in the Town's long-term economic growth
2. Attract more families and working professionals
3. Expand enrollment and quality of schools
4. Ensure maintenance of the Town's infrastructure
5. Preserve the financial sustainability of Town services

Mr. Butler acknowledged participants in the Community Challenges "Where we are now" included School Superintendent Dr. Patrick Sweeney, Town Manager Grady Miller and Economic Development Specialist Scott Cooper. He added that the main purpose of the workshop was to discuss and determine solutions and noted over 100 people attended and made a big difference with their input. Mr. Butler went on to list the top supported elements of each of the five strategic priorities.

1. Economic growth with the potential solution priorities as listed:
 - (i) Develop a community brand
 - (ii) Identify available spaces in recruiting
 - (iii) Develop a comprehensive resources
 - (iv) Develop a business accelerator joint effort
 - (v) Showcase successful Fountain Hills businesses
2. Attract families and working professionals
 - (i) Highlight school strengths in marketing of Fountain Hills
 - (ii) Collaborate with businesses in promoting Fountain Hills
 - (iii) Provide resources to expand social media and on-line messages
 - (iv) Establish a budget for family branding
 - (v) Organize a "Young Professional Business Group"
3. Sustaining Unified School District Schools
 - (i) Explore options for selling/leasing unused properties
 - (ii) Mobilize community to lobby state leaders

- (iii) Explore alternative funding sources
 - (iv) Utilize local talent whenever possible
4. Town Infrastructure (more investments are needed)
- (i) Streets
 - (ii) The Fountain
 - (iii) Parks

Mr. Butler added some potential solutions would be to implement a primary property tax and increase park and user fees along with possibly using volunteers in our wash clean-out program to save money.

5. Financial Stability
- (Participates felt there should not be reduction in Town services, but acknowledged the lack of revenue and supported potential solutions and those priorities were:
- (i) Implement a primary property tax (with 91% support)
 - (ii) Implement a "Public Safety fee (with 63% support)
 - (iii) With 78% against increasing sales tax

Mr. Butler also noted that underlying drivers were:

- A. Better community wide communications
- B. Maintain our investments
- C. Implement a community marketing plan
- D. Better collaboration between key facilitators

Mr. Butler stated that participates were also asked what can the community be the best at and what were their deepest passions and their answers were small town charm and safety. He also noted that the committees work was not done and after July 1, 2016 they would be working with the Town, SPAC and the community and was asking Council to place \$5,000 in next year's budget to promote the program. Mr. Butler also requested the Town, School District, Chamber of Commerce, Fountain Hills Cultural and Civic Association (FHCCA) committee representatives to participate in more in-depth discussions by meeting together at the same time and he acknowledge the true stakeholders being the community. Mr. Butler mentioned the following members of the "Vision of Fountain Hills" committee members as Gerard Bisceglid, Jerry Butler, John Craft, Ryan Deegan, Merita Kraya, Mike O'Conner, Ally Perreault, Dana Sarr, Mike Sharnow, Johnny Well, Denise Weinreich and Dori Wittrig.

Mr. Butler asked others to get involved and mentioned that on Monday residents would have the opportunity to visit the web site "VisionFountainHills.org" for all the results of the community workshop, surveys and his presentation given tonight. Mr. Butler made himself available for any questions from the Council.

Mayor Kavanagh stated she could speak for everyone and acknowledged this huge undertaking and stated she knew with the volunteers involved and working together, this project would be a success. She also added that everyone was very grateful for the amount of time given to the project. Mayor Kavanagh mentioned that she, Councilmember Yates and Councilmember DePorter attended the workshop and she asked for their comments. Councilmember Yates stated it was a wonderful organization and event and Councilmember DePorter added that it was a tremendous workshop and he supported the funds Mr. Butler requested.

Mr. Butler added that there were approximately 800 hours given by attendees during the workshop along with a couple of thousand service hours from the committee. Mayor Kavanagh asked Mr. Butler what would be the committee's next step and Mr. Butler answered that SPAC would put together a plan and use the "Vision of Fountain Hills" information for their 2016 plan. He also mentioned that he was asking that all directives begin with a powerful action word that could be used for the next five years.

iv) INTRODUCTION OF DAVE OTT AS THE NEW FOUNTAIN HILL'S FIRE CHIEF.

Grady Miller introduced Fire Chief Dave Ott to the community and noted he was a familiar face around town since he held the position of Assistant Fire Chief for the last three-years here; along with his 26-years experience in fire services. Mr. Miller explained the hiring procedure and noted that Chief Ott was one of 26 country-wide applicants.

Mr. Miller stated there were three finalists he interviewed through the Metro contract for the position and Chief Ott was far above the other candidates.

Mr. Miller mentioned that the retiring Fire Chief Randy Robert's last day would be June 10, 2016 with a formal recognition for him to be held on June 2, 2016.

Fire Chief Ott thanked the Mayor and Council for the opportunity to serve the community with pride and honor. Councilmember Brown acknowledged the great choice Mr. Miller had made with Dave Ott and added he had the opportunity to work with Chief Ott while he conducted fire inspections and expressed that Chief Ott did an excellent job. Mayor Kavanagh congratulated Fire Chief Ott.

v) QUARTERLY BUDGET REPORT BY FINANCE DIRECTOR FOR FISCAL YEAR 2015/16, QUARTER ENDING MARCH 31, 2016.

Finance Director Craig Rudolphy addressed the Council and reviewed the information included a PowerPoint presentation (available on-line and in the office of the Town Clerk). He stated the Town's Operating Fund consisted of the General Fund, Public Art Fund, Internal Service Fund and Equipment Replacement Fund and stated that the operating fund revenue for the nine months ending March 31, 2016 included local Sales Tax of \$5.9M; State Income Tax of \$2.0M; State Sales Tax of \$1.6M and other tax of \$1.6M totaling \$11.1M. Mr. Rudolphy noted that the local sales tax and State shared revenues accounted for 88% of the Operating Funds and that Operating Fund revenues were at 104.6% of the budget. He stated that Local Sales Tax Revenues were at 1.6.8% of the budget and State Shared Revenues were at 99.0% of the budget and he explained that permit revenues were higher than projections while other revenues were generally in line with projections. Mr. Rudolphy added that State Shared Revenues represented 32.4% of Operating Fund revenue and was distributed to cities/towns based on population with income tax based on two years prior. He continued that local sales tax represented 52.6% of the Operating Fund Revenue and had increased by 7.6% over prior years. Mr. Rudolphy stated that local sales tax for retail had an increase of 5.0% over the prior year and local sales tax for restaurants increased by 5.2% over prior year. Mr. Rudolphy also stated that local sales tax for Telecom increased 5.5% from the prior year and construction sales tax had an increase of 10.9% with 50% funding capital projects. Mr. Rudolphy added that compared to the corresponding period of last fiscal year the Town's Operating Fund expenditures decreased by 0.3% and Highway User Revenue Fund increased by 7.3% included were Vehicle License Tax. Mr. Rudolphy maintained that the Council's priority for fiscal year 15-16 was still pavement maintenance at 70% of HURF Expenditures and noted that the Operating Fund expenditures by Department were under previous years due to the departments cost savings.

Fund balances for the fiscal quarter ending balance as of March 31, 2016 (unaudited) was \$23,801,930 and he summarized his report as follows:

- Operating Fund revenues are 4.6% over budget and higher (6.3%) than last fiscal year
- Operating Fund expenditures were 2.6% under budget and 0.3% lower than last fiscal year
- Pavement management remains a priority and was funded through HURF and Vehicle License Tax revenues
- Reserve Fund balances remain acceptable for all funds
- Local economic indicators remain stable

Mr. Rudolphy stated that at the last Council meeting, Councilmember Magazine had asked for information on the lack of revenues since this year it appeared the Town was over on revenues and under budget on expenditures. Councilmember Magazine added that the long term forecast for the Town's budget did not look as good as it appeared because starting next year and the following years' would outpace the Town's revenues with a \$5.9M projected deficient over the next five-years; he noted that Fire and MCSO being the largest expenditure.

Mr. Rudolphy announced he was available to answer questions. Mayor Kavanagh thanked Mr. Rudolphy for his presentation and noted the information was easy for everyone to understand, which was very important and greatly appreciated. She also mentioned that the Town held a budget open house within this process that was not well attended, but was offered to answer any questions the Town's residents had related to the budget.

Councilmember Magazine thanked Mr. Rudolphy and pointed out that it had been said that the Town was in good shape and he wanted to stress that it was not the case and the Town had very serious financial problems.

Councilmember Magazine requested quarterly comparison information presented to Council in the future and Mr. Rudolphy answered that he previously struggled with creating the information without adding 15-20 slides to his presentation, but Mr. Rudolphy assured him that he would try again, but he questioned if the information would be understandable. Councilmember Magazine then asked if he could meet with Mr. Rudolphy and attempt this project and Mr. Rudolphy and Mr. Miller both agreed that staff would follow-up with his request.

Councilmember Magazine stated he had reviewed the materials given to Council at the February 11, 2016 Council Retreat and explained that one of the budget items was noted as "Core Services" in the amount of \$31M and he questioned Mr. Rudolphy to why that number had increased to \$40M in this current presentation. Mr. Rudolphy answered that there were two reasons for the increase in the total from \$31M to \$40M, one reason was that State Shared Revenues came in higher than projected and those funds were then allocated to the Contingency Fund and the other reason was because of budget transfers totaling \$6M to \$7M and how careful staff had to be not to double count those numbers. Mr. Rudolphy explained that when staff transferred money and they recorded those funds as expenditure and then when the money was spent created a doubling of the numbers. He added that most of the \$31M to \$40M increase included the \$7M in transfers along with other allocations of reserves requested by the Town Manager to fund Capital Improvement Projects and to fund the Facility Replacement Fund.

Councilmember Magazine also questioned the information in the Council Retreat packet that showed a short fall for 2020-21 in the amount of \$5.5M, but noted in his presentation tonight, the number increased to \$5.9M, a change within a few months. Mr. Rudolphy answered that the current number was just a refinement of staff's estimates along with additional revenues. Councilmember Magazine questioned why the number was not lower instead of higher and Mr. Rudolphy explained that the number was off-set by expenditures. Councilmember Magazine requested more information and Mr. Rudolphy said he would provide that information. Mayor Kavanagh stated that Mr. Rudolphy would be able to meet with Councilmembers and answer any questions they may have.

No further questions were asked by the Council.

* **CALL TO THE PUBLIC**

Town Clerk Bevelyn Bender stated no speaker cards were received.

CONSENT AGENDA

AGENDA ITEM #1 - CONSIDERATION OF APPROVING MEETING MINUTES FROM MAY 5, 2016.

AGENDA ITEM #2 - CONSIDERATION OF APPROVING THE AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALBERT HOLLER & ASSOCIATES, FOR SALES TAX AUDITING SERVICES, IN THE AMOUNT OF \$42,000, EFFECTIVE JULY 1, 2016, THROUGH JUNE 30, 2017.

AGENDA ITEM #3 - CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE ARIZONA MUNICIPAL CLERKS' ASSOCIATION CONFERENCE (BEVELYN J. BENDER) TO BE HELD AT THE FOUNTAIN HILLS COMMUNITY CENTER, LOCATED AT 13001 N. LA MONTANA DRIVE, FOUNTAIN HILLS, AZ FROM 8:00 AM TO 5:00 PM ON TUESDAY, JULY 26, 2016; AND WEDNESDAY, JULY 27, 2016; AND FROM 8:00 AM TO 12:00 PM ON THURSDAY, JULY 28, 2016.

AGENDA ITEM #4 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE FOUNTAIN HILLS THEATER (VALERIE STASIK) FOR THE PROMOTION OF A FUNDRAISER TO BE HELD AT THE THEATER, LOCATED AT 11445 N. SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ, FROM 5:30 PM TO 11:00 PM ON MONDAY, JUNE 6, 2016.

AGENDA ITEM #5 – CONSIDERATION OF APPROVING A COOPERATIVE PURCHASE AGREEMENT WITH GENERAL ACRYLICS, INC. FOR THE DEMOLITION AND RECONSTRUCTION OF TENNIS COURTS AT GOLDEN EAGLE AND FOUR PEAKS PARKS, IN THE AMOUNT OF \$368,505.30.

Councilmember Cecil Yates **MOVED** to approve the Consent Agenda as listed and Councilmember Nick DePorter **SECONDED** the motion.

A roll call vote was taken with the following results:

Mayor Linda Kavanagh	Aye
Councilmember Nick DePorter	Aye
Councilmember Dennis Brown	Aye
Councilmember Cecil Yates	Aye
Councilmember Cassie Hansen	Aye
Councilmember Alan Magazine	Aye
Vice Mayor Henry Leger	Aye

The motion **CARRIED UNANIMOUSLY** (7-0).

REGULAR AGENDA

AGENDA ITEM #6 - CONSIDERATION OF AN APPEAL OF THE ADMINISTRATIVE ISSUANCE OF TEMPORARY USE PERMITS ALLOWING THE COPPERWYND RESORT TO CONDUCT WEDDING EVERNTS AND RECEPTIONS BOTH INSIDE THE RESORT AND ON THE OUTDOOR EVENT LAWN AFTER 10:00 PM.

Grady Miller introduced Acting Development Services Director and Zoning Administrator Robert Rodgers who would give the presentation (PowerPoint presentation available on line and in the office of the Town Clerk).

Bob Rodgers explained that this item was a continuation of the appeal by Kimberly Anderson and others of the Town's continued administrative issuance of Temporary Use Permits to the Copperwynd Resort allowing outdoor events such as weddings and other functions with music and outdoor entertainment to continue past 10:00 p.m. and most commonly until midnight. Mr. Rodgers added that during the April 7, 2016 Town Council meeting the owners and representatives of the Copperwynd Resort expressed their willingness to meet and come up with a compromised solution to mitigate some of the noise issues. Council agreed with this proposal and asked the appeal be continued until this Council meeting. Mr. Rodgers added that the resort stated they would meet with area residents and provide Council with a report outlining the results of those meetings, which were as follows:

- Turned the speaker towards the resort and away from the villas
- Measured sound at all events to ensure a comfortable decibel level
- Maintain communication with Ms Anderson (the original complainant) regarding events held
- Ensured that the resort staff was diligently maintaining the volume levels

Mr. Rodgers also added that the report stated that the condominium CCR's specifically note that residents were buying near a resort and that the homeowners Association agreed to indemnify the resort against noise complaints, Section 7.2. Mr. Rodgers added that staff believed the continued operation of the resort including permitted events that may continue past 10:00 p.m. was not detrimental to the neighborhood or the Town and not allowing the occasional event to go past 10:00 p.m. was determined to be counterproductive.

Mr. Rodgers noted that staff recommended Council deny the appeal and grant the continuation of administrative issuance of Temporary Use Permits allowing outdoor events at the Copperwynd Resort with the four conditions as outlined. Mr. Rodgers added that after researching his records he found that within a 15 month period, only nine Temporary Use Permits were issued requesting an event to go over the 10:00 p.m. curfew.

Mayor Kavanagh inquired about a slide presented at the initial Council meeting on this item and believed there was a compromise that would allow music to 11:00 p.m. Mr. Rodgers believed the slide was presented by the Copperwynd Resort representatives but the suggestion was not included in the main actions proposed.

Mayor Kavanagh asked the Ms. Anderson if she would give a synopsis from her meeting with the resort staff. Kim Anderson said she met with Mr. Hinz and his event manager before the Council's last meeting and one-time since to provide some feedback along with a few texts and email exchanges.

Kim Anderson, Fountain Hills resident and homeowner at the Copperwynd Villas stated she submitted the complaint because of the excessive loud music coming from the resort. Her first issue was the loud music from the resort after 10:00 p.m. and then how loud the music was in general. Ms. Anderson noted that she had been a homeowner since 2010 and not until there was new ownership was there a problem. Ms. Anderson provided a slide showing the area of the resort to the surrounding communities (available on line or in the office of the Town Clerk). She noted the communities were Hidden Hills and Coribella with 97 homes, Villas at Copperwynd with 108, Sunridge Canyon with 788 homes and under construction was Adero Canon and all were surrounding the resort. Ms. Anderson added that many homeowners were not able to attend this meeting due to returning to their summer homes. She explained that the noise from the sub-woofers travels within the mountains and canyons and she used the example of a member only event at the resort in April and explained a homeowner in the area had to use head phones to hear his television and could still hear the noise from 1/3 mile away. Ms. Anderson expressed she had contracted numerous resorts in the valley and they all confirmed their event music stopped at 10:00 p.m. along with decibel limits per their cities ordinances and none of them allowed music until midnight, including the City of Phoenix. She added that Mr. Hinz was not open to reducing the decibel level to 90, which was four-times louder, than Scottsdale's and eight-times louder than permitted in Paradise Valley.

Ms. Anderson was asking Council to discontinue the Temporary Use Permits to Copperwynd Resort specifically for outdoor events after 10:00 p.m. and she also requested the Town decide on a decibel level limit as in Scottsdale and Paradise Valley. Mayor Kavanagh expressed that Council continued this request because Councilmembers were hoping for a compromise between the resort and homeowners'. Ms. Anderson felt that Mr. Hinz was still playing the music at about 90 decibels and stated Mr. Hinz would not put in writing or commit to lowering the volume.

Scott Carpenter, a Tempe resident and Lawyer for the Villas at Copperwynd Association wanted to speak to the rights of the homeowners' to complain about the noise and acknowledged there was a document he questioned and questioned content that spoke to construction and maintenance noise only that could not be complained about and also questioned if this document would be enforceable. Mr. Carpenter stated that just because the homeowners new they were moving close to a resort was not a good argument for them to not complain about a noise level above 91 decibel. He also requested that Council scrutinize the resorts request and to be reasonable in what was allowed in a residential area and to protect the residents of Fountain Hills. Mr. Carpenter also wished the Council would place reasonable restrictions on the resort.

No questions were asked by the Council.

Councilmember Magazine asked if Mr. Carpenter was correct on the Town's Ordinances. Town Attorney Andrew McGuire answered that the citation of the Zoning Ordinance was to consider the suggestions when making a decision and not a directive to the Council and did not frame out any kind of standards as a fairly lose standard that and he felt this was properly recited. Mr. McGuire added that references to CC&R's were private contracts and not Council's decision, but between homeowners. He noted Council's decision would be legislative.

Mayor Kavanagh asked if the Town addressed decibel levels in the Zoning Ordinance. Mr. Rodgers answered that in Chapter five of the Town's Zoning Ordinance did address noise and included decibel levels and he pointed out that Councilmember Yates was a part of its design. Councilmember Yates added that it was a few years ago and he did visit local business areas with a meter addressing complaints and it was found that noise levels were below the variable levels in the Zoning Ordinance and he added that businesses stopped music between 10:00 p.m. and 11:00 p.m. Vice Mayor Leger asked Ms. Anderson if the decibel level had been discussed with the resort. Ms. Anderson answered that the noise had improved, but was not consistent and no mention had been made to limit the decibel level or address using sub-woofers.

Vice Mayor Leger asked Ms. Anderson if there were stipulations placed in the Temporary Use Permit for speakers to be placed toward the building with no sub-woofers and the overall music level to be below 90 decibels, would that be acceptable. Ms. Anderson answered that it would be a great starting point for her but she was not on the homeowner's board and was only representing herself.

Vice Mayor Leger asked Mr. Rodgers what the time-line was on the resort's Temporary Use Permit and Mr. Rodgers answered that each Temporary Use Permit was issued for one night only and only for events going past 10:00 p.m. Mr. Rodgers also explained that he had not issued any permits to Copperwynd since March and if there were events they would have ended at 10:00 p.m.

Mark Goldman, Attorney representing Copperwynd and a resident of Fountain Hills addressed Mr. Carpenter's comments concerning the Villas CC&R's and noted a copy was provided to Council for their review and he pointed out that Mr. Carpenter missed a key word that stated "*Each owner of the restricted property (Villas) in the vicinity of the property hereby assumes the risk of noise caused by the operation of the club property without limitation and property owners were to abide by these CC&R's*". Mr. Goldman pointed out this document was recorded in 1998 and applied to the Villas and Copperwynd in the common document. Mr. Goldman added that it was the choice of the buyer to purchase a home in the area. Mr. Goldman also stated that in previous communications, the homeowners association supported large parties and the convenience they received in the use of the resort and its amenities.

Mayor Kavanagh asked how long the resort had used sub-woofers because there could be a difference between five years ago and today. Mr. Goldman answered he did not know, but the question should be addressed to Mr. Hinz, owner of Copperwynd Resort. Mr. Hinz answered the resort only accommodated the bride and the music or band of her choice and he mentioned that he personally attended the last three events held at the resort outside on the grounds along with Ms. Anderson and she told him the noise was so much better and he admitted that the recently held end of the year member pool party held at 4:00 p.m. had been louder, but when Ms. Anderson contacted him the music was turned down.

Mr. Hinz believed the issue was the extended time requested from 10:00 p.m. until 12:00 p.m. and not the loud music and he had committed to do everything possible to work with the homeowners in the Villas. He added that the responsibility would be on him for the noise issue and he knew that many of the Villas residents pay their dues to the resort and enjoyed the club's perks including Ms. Anderson.

Mayor Kavanagh asked Mr. Rodgers if he wanted to comment. Mr. Rodgers stated that he reviewed the Town's Zoning Ordinance and the maximum decibels allowed were 79 for any time of day and was allowed until 11:00 p.m. Mr. Rodgers added that no decibel level was decided on after 11:00 p.m. Mr. Rodgers also explained that this issue was a subjective permit and that Council could place any conditions or limitations they deemed necessary.

Councilmember Magazine asked Mr. Goldman if he had experienced other surrounding communities that questioned the CC&R's. Mr. Goldman answered that the CC&R's do not pertain to any other area except for the ones in the surrounding Villas.

Vice Mayor Leger questioned the wording in the CC&R's as "risk of noise" and how was that defined because he felt it was a broad term. Mr. Goldman agreed but could not indicate reasonable noise. Vice Mayor Leger noted that he was hearing homeowners say the noise was not reasonable, but excessive. Vice Mayor Leger stated he wanted to be a good corporate citizen and acknowledged that sub-woofers had been around for a long time. He added that the Mayor continued this item because she asking everyone to mitigate and it appeared some issues had been agreed upon. Vice Mayor Leger stressed that Council would decide what was good for the community and Town Staff only made recommendations and he always looked for reasonable solutions to be worked out.

Councilmember Yates stated Council was a big supporter of Fountain Hills businesses and asked Mr. Hinz what he was willing to do to resolve these issues. Mr. Hinz requested to be judged by his actions and pointed out that he had given out his cell phone number in case the music seemed to be too loud so residents could call him and request it be lowered.

Councilmember Hansen asked Mr. Hinz if he could personally contact the members of the resort directly and Mr. Hinz answered that he was notified that he could not use the list, so he did the best he could. Mr. Hinz also stated there was nothing he could do if the homeowners' association did not want to meet with him. Councilmember Hansen stressed that it appeared there were more issues between the Resort and the Villas owner's than a Temporary Use Permit and she pointed out that the Town's Zoning Ordinance already addresses the issues for allowed times and decibels.

Town Clerk Bevelyn Bender called the public speakers to the podium.

Ms. Bender stated that Jennifer Dougherty a Phoenix resident did not wish to speak but expressed on her card that she was against the issue. Ms. Bender also announced there were 12 speakers.

Marshelle Curtin, a Fountain Hills resident and homeowner in Eagle Mountain, spoke in favor of allowing weddings and events to be held at the Copperwynd Resort. Ms. Curtin pointed out that people were coming in from all over the country and if they wanted their event to be held longer, they should be accommodated. She also pointed out that the resort was a boost for Fountain Hills and visitors could possibly move to Fountain Hills after experiencing the amenities available. Ms. Curtin added that she enjoyed being a club member and loved what it had to offer with the activities and wanted the resort to survive.

Sherry Robbins, a Scottsdale resident and 17 year Copperwynd Resort club member stated she enjoyed the member socials and activities and she noted a lot better under the new owner. Ms. Robbins explained that she had attended the member only happy hour event at Copperwynd recently that began at 4:00 p.m. and she noticed the music was loud, but then the speakers were moved towards the building. Ms. Robbins wanted the Copperwynd Resort to survive and did not understand why the community was not more supportive with needed resources for growth and vitality.

Nella Best, a Scottsdale resident employed by the Copperwynd Resort as their Caterer, Events Manager and Wedding Coordinator, stated she understood how hurt brides would be if she had to tell them their reception would have to end at 10:00 p.m. She added that weddings at Copperwynd usually had between 125 and 150 guest and many from all over the country and some from England and those out-of-town guests would make reservations at nearby hotels and homes because Copperwynd only had 32 rooms on site and those guests would want to stay close to Copperwynd, which created revenue for the Town and its businesses. She also stated that some guests rent homes located in the Villas from the website B&B because she booked the event at Copperwynd. Ms. Best explained that she was always at the wedding events with a decibel reader and attempted to control the music with the help from the Events Captain on site.

Tom Boyle, a resident of Paradise Valley and a Copperwynd member, expressed that Copperwynd should be allowed to operate after 10:00 p.m. and he added that he travels 15 miles to Copperwynd for the view, dining and sometimes stays at the resort, which brings tax benefits to the Town. Mr. Boyle stated he felt that he could speak for the members and stressed they were all impressed with the remodeling of the resort. He pointed out that the resort was closed in 2010 because of a lack of business, which took tax revenue benefits from the Town and its residents. Mr. Boyle believed businesses like Copperwynd should be supported and hoped Council would allow Copperwynd Resort to continue under their current business practices.

Dan Torico, a Fountain Hills resident who resides in Sunridge Canyon, spoke in opposition and lived ½ mile away from the resort. Mr. Torico explained that with the canyons and valleys that it did not make a difference which direction the speakers were turned since noise carried with the wind. Mr. Torico added he did not support late night hours and he explained that businesses in Fountain Hills were important, but did not think the Town survived only on Copperwynd Resort. Mr. Torico did not believe the approval of their permits improved the lives for the people that live here.

Scott Matthew, a Fountain Hills resident and resides in Sunridge Canyon, pointed out that Sunridge Canyon did not have the same homeowners' regulations and that people in the area could hear the music. Mr. Matthew stated he had lived on Sunridge Drive for six-years and was a full-time resident and he did not think it spoke to the quality of life that Fountain Hills would encourage these permits. Mr. Torico explained he was pro-business and a customer of Copperwynd's spa and dining. Mr. Matthew explained that six-years ago he knew that the Resort had a restriction of 10:00 p.m. on music and the new owner knew this regulation and he stressed that any later was not consistent with Fountain Hills values. He believed the Town needed a "quiet policy" to go along with their "dark sky policy". Mr. Matthew added he had not been contract nor was the Sunridge Canyon Homeowner's Association or the president who submitted a letter of opposition to the Town.

John Kirkeide, a part-time resident of Fountain Hills and Prescott , who resides in the Villas stated he read his CC&R's after receiving the letter from Mr. Hinz and could not find Section 7.02, but did find Section 7.20 in an easement document that also referenced the CC&R's and he felt it was legal harassment. Mr. Kirkeide believed that Mr. Hinz was trying to silence the residents and stated that in a court of law, someone had a good chance of winning their case on the loud music. He added that the sound bouncing off the canyon walls late at night was not family friendly and the noise caused him to turn his television up extra loud and he stressed sleeping was not possible. Mr. Kirkeide stated he

reached out to Sunridge Canyon and finally called the Sheriff's Office then was told that an officer would be dispatched if one was available. Mr. Kirkeide had also considered a law suit or possibly selling his home since the noise was so disruptive and asked Council how they would feel if this happened to them. Mr. Kirkeide added that Mr. Hinz knew of the time limit on noise and that the Resort was located in a residential area when he purchased the Resort. He stated that there was no trust in Mr. Hinz and strongly encouraged Council to reject this proposal.

Leslie Kirkeide, a part-time resident of Fountain Hills and Prescott, who resides in the Villas, requested that Council understood that she just found out during this Council meeting from one of the Copperwynd Board Members that he and Mr. Flynn did have a meeting with Mr. Hinz and felt this was not reported correctly.

Fred Kroin, a resident of Scottsdale living in Coribella at Copperwynd for 17 years and a member of Copperwynd Club, stated he was excited when Mr. Hinz purchased the Resort and stressed that Mr. Hinz created an outstanding result when he invested a lot of time and money to renovate the club. Mr. Kroin added that the Resort depended on several revenue sources and he did not believe wedding events going past 10:00 p.m. was unreasonable. Mr. Kroin encouraged Council to continue the process of selectively approving events and give the Resort an opportunity to attract new business and members to our community. Mr. Kroin added that he lived ½ mile from the club and had never heard loud noises from the Resort and requested Council to look favorably on the resort's requests.

Doug Larson a Fountain Hills resident was not present to speak.

Dale Thomas, a Fountain Hills resident who resides on Sunridge Drive, which is located around the curb from the Resort, stated he understood the position the Council was in and knew Council wanted to do what was best for the business and the people of the community. Mr. Thomas stated he and his wife opposed the extension of hours for music played at the resort because they live close enough that they hear and affected by the noise and he stressed they did not want to surrender their week-ends outside due to the increased frequency and duration of noise. He added that by granting exceptions to our Ordinance circumvents the rules that are already in place. Mr. Thomas noted that Mr. Hinz knew the resort was placed in an area surrounded by residential properties and should have followed up and found out that other venues had limited hours for music. Mr. Thomas requested Council not to approve outside events past 10:00 p.m. and eliminate the Temporary Use Permit process.

Dori Wittrig, a Fountain Hills resident who lived on Alta Loma Drive and a member of the "Vision of Fountain Hills" committee, stated that Alta Loma Drive was located across from the Fountain and she expressed how much she appreciated the noise during the day or night because she was grateful for the vitality going on in the community for all ages and groups. Ms. Wittrig was on the original development group for the Copperwynd Resort and was involved with the planning of the including the Villas and was realtor who sold all the Copperwynd Villas at least once and some more than once. Ms. Wittrig wanted to clarify a recent comment on Section 7.02 of the Villas CC&R's and that this specific section was located in the easement document within the CC&R's and she stressed everyone who purchased a villa signed this document. Ms. Wittrig also stated she had been a member of the club from the first day and knew that the previously the Resort had never made money and felt the Town should do everything possible to support the Copperwynd Resort. Ms. Wittrig explained she would be the Chairperson next year for the "Vision of Fountain Hills" committee and pointed out the committee had already determined that Fountain Hills needed to and she respectfully stated, replace their aging population without being judgmental and support young brides even if they wish to have music a little too loud every once in awhile. Ms. Wittrig requested the homeowner's of the Villas to continue to work with the Copperwynd Resort and find a solution to the issue.

Dan Krause, a Fountain Hills resident and Villas' resident, stated he lived about one block away from the Copperwynd Resort and felt the discussion tonight was more about money for the business owner and the people speaking in support who lived away from the area could not hear the noise, but expressed he did on a Saturday nights or issues going to sleep when he needed to get up on Monday at 5:00 a.m. after a Sunday night event. Mr. Krause did not believe the Town needed to replace the older people in Fountain Hills so Mr. Hinz could make more money and he believed outside events were not allowed in residential neighborhoods as stated within the Town's codes. He was requesting Council to think of the people in Town and wanted them to consider the five letters they received opposing this request and asked that they deny these permits.

Mayor Kavanagh remarked that Council had heard the issue from all angles along with every possible argument and she asked if there were any other discussions or questions from Council.

Councilmember Magazine asked if these requests for specifically approved events were approved and then there were problems with excessive noise would the Town have recourse to address the issues. Mr. Rodgers answered that the code stated he was allowed to approve a Temporary Use Permit up to 10:00 p.m. or after unless there were complaints and if there were complaints the issue would come back to Council each time. Councilmember Magazine thanked Mr. Rodgers.

Councilmember Hansen expressed that it was hard for her to believe that previous permits had been issued and there were no problems and she wondered if taking a look back at previous permits to see what was approved could help with permits being considered. Mr. Rodgers repeated that he had issued permits to the resort since 2005 with no complaints and this was the first time Council had to address any issues.

Mayor Kavanagh stated if there were no further questions or discussion she would call for a motion.

Vice Mayor Leger **MOVED** to approve the continued administrative issuance of Temporary Use Permits for outdoor events at the Copperwynd Resort not to exceed 11:00 p.m. with stipulations included as follows:

- Speakers must be facing the resort
- No sub-woofers
- Overall volume less than 79 decibels

Councilmember Magazine **SECONDED** the motion

Councilmember Brown moved to **AMEND** the original motion to propose 79 decibels up to 10:00 p.m. and between 10:00 p.m. and 11:00 p.m. reduce the noise level to 69 decibels with stipulations included as follows:

- Speakers must be facing the resort
- No sub-woofers

Councilmember Hansen **SECONDED** the amendment.

Councilmember Yates requested clarification and asked if the current ordinance stated 79 decibels up to 11:00 p.m. Councilmember Brown responded that his amendment included that the events should be stopped at 11:00 p.m. Mayor Kavanagh asked for a discussion on the amendment.

Vice Mayor Leger stated he did not have a problem with moving the decibels down to 69, but felt it would be difficult to measure and then he acknowledged a lot of people had meters but still questioned the practicality.

Councilmember Brown stated that if the Council decided to keep the music going he felt a good compromise would be to turn the music down at 10:00 p.m. Councilmember Yates pointed out that the Ordinance stated 79 decibels until 11:00 p.m. Mr. Rodgers answered that the Ordinance was two parts with 79 decibels allowed up to 11:00 p.m., but the outdoor activities rule allowed 79 decibels to 10:00 p.m. Councilmember Yates stated he understood.

Councilmember Yates questioned why not leave the 79 decibels to 11:00 p.m. and then reducing to 69 decibels from 11:00 p.m. until 12:00 p.m. and stated this was not out of order since only nine events had been required to request a Temporary Use Permit within a 15 month period. He added that after 11:00 p.m. the decibels would be reduced to 69 and stressed this was not a motion but only for discussion. Mayor Kavanagh stated that until there was an amendment the suggestion could not be discussed. Mr. McGuire added that there usually would be only one amendment discussed at a time.

Mayor Kavanagh returned to Councilmember Brown's amendment that stated the following:

- Turn speakers towards the building
- No subwoofers
- Noise level up to 10:00 p.m. decibel level at 79
- Noise level from 10:00 p.m. until 11:00 p.m. reduced to 69 decibels when the event would end

Mayor Kavanagh stated since there was no further discussion and asked for a roll call vote on the amendment with the following results.

Councilmember DePorter	Aye
Councilmember Brown	Aye
Vice Mayor Leger	Aye
Councilmember Magazine	Aye
Councilmember Yates	Nay
Councilmember Hansen	Aye
Mayor Kavanagh	Aye

The motion **CARRIED UNANIMOUSLY** (6-1); Councilmember Yates cast the nay vote.

Mayor Kavanagh listed Vice Mayor Leger's main motion as being:

- Turn speakers towards the building
- No subwoofers
- Noise level up to 10:00 p.m. decibel level at 79
- Noise level from 10:00 p.m. until 11:00 p.m. reduced to 69 decibels and the event would end

Vice Mayor restated his original motion incorporating the amendment that was approved. Mayor called for a vote with the following results: Motion **CARRIED** (6-1), with Councilmember Yates casting the nay vote.

AGENDA ITEM #7 – CONSIDERATION OF THE REQUEST BY THE L. ALLAN CRUIKSHANK RIVER OF THE TIME MUSEUM BOARD OF DIRECTORS REGARDING PROPOSED SHORT AND LONG-TERM IMPROVMENTS TO THE FACILITY AND FUTURE CONSTRUCTION PLANS FOR A NEW MUSEUM.

Luke Bate, Executive Director of the River of Time Museum Director, acknowledged the Museum Board members, volunteers and supporters that were present in the audience and explained that the participates involved in the museum had a five-year plan called "The River of Time Museum 20/20 Vision". Mr. Bate discussed the plan for the museum that was included a PowerPoint presentation (available on line and in the office of the Town Clerk) to Council so their group could proceed to the next step of their planning. Mr. Bate explained the phase of renovation, which involved a new museum facility at the Fountain Hills Civic Center at the site previously identified as a future Performing Arts Center. He noted the first phase consisted of cosmetic changes to the museum while the second phase consisted of remodeling the building and adding a new entrance and signage. Mr. Bate stressed that the vision was to attract younger families and demographics and attempt to be a resource to the Town's educational system. Mr. Bate explained that the current museum had a total of 5,000 square feet, which made it difficult to accommodate its exhibits and did not have the ability to handle more than 123 people in the museum at one time along with inadequate storage for storing artifacts. Mr. Bate continued to the second phase and explained that this would involve some structural changes to the building requiring approval from the Town and would include constructing a new entrance through the patio area that would increase the size of the public area, but not significantly. He added that the third phase would involve a new building located on the lot adjacent to the current museum location and would be a center for other non-profits interested in partnering with the Museum. Mr. Bate pointed out that the Astronomy Club was involved in discussions as well as Dr. Patel with the Community Garden organization. He pointed out that the Virginia Piper organization had expressed interest in the plan and offered professional advice and hopefully funding was expected. Mr. Bate pointed out that the groups targeted completion date to dedicate the new area would be at the 50th anniversary of the starting up of the Town's Fountain event.

Councilmember DePorter expressed that the Museum was a great community asset and resource along with attracting more people to the Town. Vice Mayor Leger asked what the costs would be since the first phase would be paid for through the Foundation. Mr. Bate answered that after the initial phase and when the cost were determined, the Museum supporters would come back to Council and address the issue and he noted at this time there were no specific funding sources. Mr. Bate added that phase one and two would cost approximately \$50,000 with the cost of phase three unknown at this time and he stressed that the group was only in the planning phase. Vice Mayor Leger stated he

understood the museum's vision and agreed with Councilmember DePorter's comments and also added that the group had done a tremendous job.

Mayor Kavanagh asked for a motion.

Councilmember DePorter **MOVED** that the Town Council consider the short-term and intermediate term phases of improvements as requested by the River of Time Museum; and direct the River of Time Museum to undergo and extensive feasibility study before requesting Town Council approval of the property located at the site previously designated as a performing arts center in the Civic Center Complex. Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY (7-0)**.

AGENDA ITEM #8 – DISCUSSION WITH POSSIBLE DIRECTION TO STAFF REGARDING THE POSSIBLE SUBMISSION OF PROPOSED POLICY IDEAS TO THE ARIZONA LEAGUE OF CITIES AND TOWNS FOR CONSIDERATION BY THE RESOLUTION COMMUNITEE AT THE LEAGUE'S ANNUAL CONFERENCE.

a. None.

Mr. Miller stated that if Council had items to present to the League they should send their items to him and he would forward on behalf of the Council.

Councilmember Cassie Hansen left the meeting at 9:48 p.m.

AGENDA ITEM #9 - COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER

a. None.

AGENDA ITEM #10 - SUMMARY OF COUNCIL REQUESTS AND REPORT ON RECENT ACTIVITIES BY THE MAYOR, INDIVIDUAL COUNCILMEMBERS, AND THE TOWN MANAGER.

Mr. Miller stated that at the May 5, 2016 Town Council meeting a resident whose wife was attacked by javelinas stated that he felt the Wash Management Program the Town managed had an impact on the attack and he added that after being discussed with Amy Burnett who spoke earlier this evening, Ms. Burnett believed the Wash Management Program did not have an impact on the incident, but was caused clearly by the feeding the animals. Mr. Miller stated he had agreed to bring a report back to Council regarding the Town's Wash Maintenance Program and noted the Town had over 700 acres of washes maintained by the Town. He explained that the washes were the main drainage system in Town and the purpose of maintenance was to clean out brush that could block the water from flowing or could contribute to wildfires. Mr. Miller pointed out within a four year cycle the Town would clear out all 700 acres and with the programs start up this year Malta Drive was top priority and scheduled for completion by November 2016.

Mayor Kavanagh requested a follow-up on the maintenance crew, which was mentioned, to not be working in the wash close to Malta for the last 7-months. Mr. Miller answered that the information given was misunderstood and that the process took seven month to complete from November to May and was the schedule used when Artistic Landscaping worked to clear out the washes. Mr. Miller assured Council that Environmental Supervisor Raymond Rees oversees the work and that Mr. Rees explained that Artistic was making a lot of progress in Town.

Mr. Miller updated Council and specifically addressed Councilmember Magazine's request for an update on the "Fourth of July" event and explained that a second meeting was held with Fountain Hills Events, Inc. and had included discussions for changes in the event that included the pre-event, no alcohol sales, and a more family friendly event. He added that Fountain Hills Events, Inc. had decided to allow the Town to go forward with the event with the Town's revisions because their plan required additional revenue to pay for all the other amenities in their request. Mr. Miller explained that it was determined that no beer or alcohol would be sold, which would eliminate the need for gates and fences around the site nor the number of volunteers would be needed to work the area involving alcohol sales or ticket taking. Mr. Miller added that more plans would be presented in the future to Council and stated the event would be more back to a basic "Fourth of July" event.

There were no questions asked by Town Council.

AGENDA ITEM #11 - ADJOURNMENT

Councilmember Yates **MOVED** to adjourn the meeting and Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (6-0), by those present. The Regular Session adjourned at 9:50 p.m.

TOWN OF FOUNTAIN HILLS

By _____
Linda M. Kavanagh, Mayor

ATTEST AND
PREPARED BY:

Bevelyn J. Bender, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Executive Session, held in the Town Hall Fountain Conference Room – 2nd Floor and Regular Session held by the Town Council of Fountain Hills in the Town Hall Council Chambers on the 19th day of May, 2016. I further certify that the meeting was duly called and that a quorum was present.

DATED this 16th day of June, 2016.

Bevelyn J. Bender, Town Clerk